

ORIGINAL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

EXHIBIT

tabbies

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BOBBY BLAND, DANIEL RAY CARTER,
JR., DAVID W. DIXON, ROBERT W.
McCOY, JOHN C. SANDHOFFER and
DEBRA H. WOODWARD,

Plaintiffs,

v

4:11cv45

B. J. ROBERTS, individually,
and in his official capacity as
Sheriff of the City of Hampton,
Virginia,

Defendant.

DEPOSITION UPON ORAL EXAMINATION OF

DAVID W. DIXON

Taken on behalf of the Defendant

Newport News, Virginia

August 22, 2011

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INGRAM REPORTING
Virginia Beach, Virginia
Phone (757) 481-0935

1 Q. -- who you could trust not to
2 disclose that you were supporting someone else
3 for sheriff?

4 A. Yes.

5 Q. Okay. Do you have any -- any
6 reason to believe that the sheriff,
7 Sheriff Roberts knew that you were not
8 supporting him?

9 A. Could you repeat that?

10 Q. Yes. Do you have any evidence or
11 any knowledge that Sheriff Roberts did not know
12 you were not supporting him in 2009?

13 A. Evidence? I had a bumper sticker
14 on my car, and I'm pretty sure people saw that.

15 Q. Oh, you put a bumper sticker for
16 Adams on your car?

17 A. Yes.

18 Q. Well, do you know that the sheriff
19 ever saw that?

20 A. The car was at the office at the
21 jail, so I'm pretty sure he saw it sometime.

22 Q. Do you know if the sheriff even
23 knows what type of car you drive?

24 A. I've been working for -- worked for
25 him for almost 14 years, driving pretty much the

1 widespread, but you didn't know about it. Okay.

2 So when you were asked to sell
3 tickets for Sheriff Roberts, you just declined
4 to do that?

5 A. No, sir.

6 Q. Did you sell the ticket?

7 A. No, sir.

8 Q. Did you buy the ticket?

9 A. No, sir.

10 Q. What did do you with it?

11 A. I took them and turned them back in
12 when it was time to turn them back in.

13 Q. Okay. All right. So you just
14 returned them unsold?

15 A. Yes, sir.

16 Q. Do you know if other people did the
17 same thing?

18 A. I don't know.

19 Q. Okay. And do you think that was a
20 reason -- do you think that was part of the
21 reason that you were not rehired?

22 A. It could be part of it, yes, sir.

23 Q. Well, that's you speculating on
24 that. You don't know whether it was or not, do
25 you?

1 please?

2 (The question was read by the court
3 reporter)

4 A. I thought it was a free country
5 with First Amendment rights with first freedom
6 of speech, and I didn't think even a sheriff
7 could go against that.

8

9 BY MR. ROSEN:

10 Q. Okay. But you, nevertheless, kept
11 your support of Adams on the downlow. You
12 didn't just -- didn't quite publicize that.

13 MR. SHOEMAKER: Object to the form
14 of the question. Go ahead and answer to
15 the best of your ability.

16 A. Around the office, I tried to keep
17 it as quiet as I could, yes, sir.

18

19 BY MR. ROSEN:

20 Q. Okay. Now, in the complaint of the
21 lawsuit that you filed in paragraph 15, alleges
22 that sheriff has used sheriff's office employees
23 including low-level, non-supervisory employees
24 to plan and manager staff and carry out
25 political activities and events while on paid

1 Q. Okay. Did you do it as a -- as a
2 volunteer?

3 A. I did it because I was asked.

4 Q. Okay. All right. But you could
5 decline, couldn't you?

6 A. Same as anything else, if you
7 decline, it's frowned upon highly.

8 Q. Okay. But not everyone in the
9 Sheriff's Department volunteered for the -- on
10 the golf committee, did -- did they?

11 A. No, sir.

12 Q. And not everyone volunteered to
13 help in the election, did they?

14 A. No, sir.

15 Q. Okay. And people who didn't help
16 in the election were reappointed, weren't they?

17 MR. SHOEMAKER: I am going to
18 object to the form of the question. Go
19 ahead and answer it to the best of your
20 ability.

21 A. Yes, sir.

22

23 BY MR. ROSEN:

24 Q. Okay. And it alleges in paragraph
25 15B that the sheriff used prisoners to set up

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BY MR. ROSEN:

Q. Well, before the election, before the election.

A. This past election?

Q. Yes.

A. No, I had no direct conversation with him.

Q. Okay. And you don't know what efforts, if any, he know -- he knew about your support of Mr. Adams, do you?

MR. SHOEMAKER: Object to the form of the question. Go ahead and answer it to the best of your ability.

A. Could you repeat it? I'm sorry.

MR. ROSEN: Sure.

BY MR. ROSEN:

Q. You don't know whether Sheriff Roberts knew you were supporting Adams or him, do you?

A. The way everybody talked around there, I'm pretty sure he knew I was supporting Adams.

Q. Well, all right. Why do you say

1 A. I'm saying that people knew me and
2 Jim Adams were close friends, yes.

3 Q. Okay. And something was up because
4 before he left he would go in and close the
5 door. Was that usual behavior before -- before
6 he started to run for sheriff?

7 MR. SHOEMAKER: Object to the form
8 of the question. Go ahead and answer it
9 to the best of your ability.

10 A. I don't know if it's unusual
11 behavior or not.

12

13 BY MR. ROSEN:

14 Q. Okay. That was different behavior,
15 different than the previous behavior with you
16 that you displayed with Adams?

17 A. I would say, yes, sir.

18 Q. Okay. Did you meet with Adams and
19 his other campaign crew, his other campaign
20 staff during the -- well, before he left the
21 Sheriff's Department?

22 A. No, sir.

23 Q. Did you know that his finance --
24 finance person, Debra Davis, did you know she
25 was going to be his finance director after his